

Remarks

Claim 6 has been amended to remedy the informality noted in a previous Office action. Applicants regret the oversight in not having attended to such remedy in previous responses. Reconsideration of the rejection of Applicants' claims principally relying on the Lawrence Patent as either disclosing or teaching the claimed method respectfully is requested in view of the following remarks.

Generally speaking, the claimed invention is distinguishable over the method described in the Lawrence Patent which consists of nothing more than a due diligence method providing for the formation and maintenance of a database pertaining to certain subjects and the accessing of information on such database by a subscriber. As clearly illustrated in Figure 1 of Lawrence, the cited method involves nothing more than a risk management clearinghouse 106 which gathers information from various data sources such as the Office of Foreign Access Control, the U.S. Department of Commerce, the U.S. White House, foreign counterparts, U.S. Federal Regulatory Agencies and other information sources, and compiles such information in a database 108, and a number of subscribers 101 which apparently would have an arrangement with the risk management clearinghouse to access the database 108 to obtain information on an entity referred to as a risk subject. Typically, the subscriber is a financial institution and the risk subject is perhaps a person or other entity seeking to enter into a financial transaction with the financial institution. Presumably, in the course of considering whether to enter into the intended financial transaction with the risk subject, as a matter of due diligence, the financial institution as a subscriber of the risk management clearinghouse would access data compiled from the aforementioned data sources for any information with respect to the risk subject to determine the risk subjects suitability in terms of risk. The risk subject could be an individual or any other form of entity of either a suitable or unsuitable character. Reference to the database of the risk management clearinghouse would assist the financial institution in making such determination.

In the Office action, it is stated that the subscriber is similar to Applicants' claimed first party and further that Applicants' limitation regarding the second party is drawn to Lawrence's disclosed risk

subject which pertains to a potential party in a business transaction. Applicants agree that the risk subject of Lawrence pertains to a potential party in a financial transaction but disagree that the risk subject of Lawrence is comparable to Applicants' limitation regarding the second party. A risk subject as provided for in Lawrence is neither a party in either the Lawrence method nor in the claimed method. In the Lawrence method, the risk subject is simply the entity being investigated by the subscriber. In the claimed invention, there is no one comparable to Lawrence's risk subject.

As understood, the Office action analogizes the subscriber of Lawrence to the claimed first party, the various data sources to the claimed second party and the risk management clearinghouse to the claimed third party. Although the subscriber of Lawrence may be viewed as the claimed first party and the risk management clearinghouse of Lawrence may be viewed as the claimed third party, the data sources of Lawrence can not be considered to consist of the claimed second party. The data sources of Lawrence are nothing more than as the name clearly indicates sources of data. They are not parties required to have adopted security measures with respect to the handling of confidential information and periodically responding to requests of first parties for assurances of the adoption, implementation and observance of the security measures of any second party.

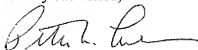
In the claimed method, the first party, perhaps a financial institution, typically may be interested in subcontracting certain work to the second party which would involve the disclosure of certain confidential information of the first party to the second party. In retaining such second party, the first party would want to be assured that the second party has adopted, implemented and observed certain security measures required to safeguard the confidential information to be transmitted by the first party to the second party. As a means of alleviating the burden of the second party and other second parties in having to provide such assurances to the first party and other first parties, the claimed method provides for such second parties to provide such assurance information to a third party which then more conveniently provides such assurances to such first party and other first parties as subscribers to such third party. The claimed method permits a first party to obtain such assurance of compliance with security measures of a number of second parties by contacting a single entity, i.e., the third party that has

compliance data in its database. The claimed method is beneficial not only to first parties but to second parties because it permits all first parties to refer to a single entity, i.e., the third party, for assurances of compliance with security measures by a plurality of second parties, and relieves each second party of the task of providing assurances of compliance with security measures to multiple first party inquiries by simply referring them to the third party which has compiled such information and makes it available to subscribers for perhaps on a fee basis.

The second parties of the claimed method are clearly distinguishable in terms of status and function from the data sources of Lawrence. The entities of the claimed method are typically vendors or subcontractors who render services to first party members, which involves the disclosure of confidential information requiring the assurance of such vendors or subcontractors with respect to the adoption, implementation and observance of required security measures in the handling of such confidential information. The data sources of Lawrence have no intended transactions with the subscribers of the risk management clearinghouse, and whose function is simply to provide information to the risk management clearinghouse which might be useful to an inquiring subscriber which is conducting due diligence in connection with a potential financial transaction with a risk subject.

In view of the foregoing, it respectfully is requested that the rejection of Applicants' claims be withdrawn, such claims be allowed and further that the application be passed to issue. The Commissioner is hereby authorized to charge any underpayment of fees or credit any overpayment of fees in connection with this communication to Deposit Account 19-4375.

Respectfully submitted,



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